

CLAIM OF: **WILFORD AND EARNESTINE
REED THROUGH THEIR ATTORNEY,
TERRY D. JACKSON, ESQ.**
600 Edgewood Avenue
Atlanta, Georgia 30312

For damages alleged to have been sustained due to a
residential fire on January 24, 2009 at 342 Atlanta Avenue.

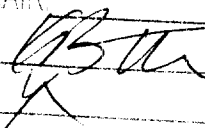
THIS ADVERSED REPORT IS APPROVED

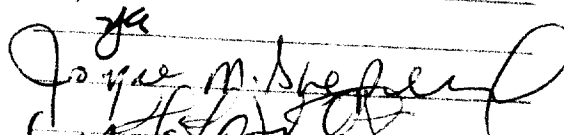
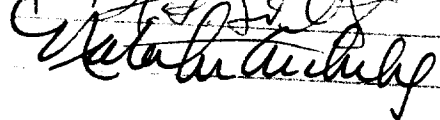
BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

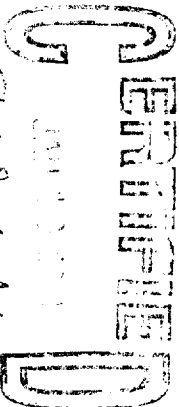
PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE 1/12/10

CHAIR 

JAN 19 2010



JAN 19 2010

ADVERSED BY
CITY COUNCIL

CITY COUNCIL
ATLANTA, GEORGIA

January 29, 2010

Terry D. Jackson, Esquire
600 Edgewood Avenue
Atlanta, Georgia 30312

10-R-0107

RE: Wilford Reed and Earnestine Reed

Dear Mr. Jackson

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on January 19, 2010. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Yours very truly,



Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

SDEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 09L0483

Date: November 23, 2009

Claimant /Victim WILFORD AND EARNESTINE REED
BY: (Atty) (Ins. Co Terry D. Jackson, P.C.
Address: 600 Edgewood Avenue, Atlanta, Georgia 30312
Subrogation: Claim for Property damage \$ 750,000.00 Bodily Injury \$
Date of Notice: 9/30/09 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 1/24/09 Place: 342 Atlanta Avenue
Department POLICE AND FIRE Bureau: Office:
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimants allege that they lost their home to a fire due to the City's miscommunication and failure to dispatch a fire crew to the above address within a reasonable time. However, the City has governmental immunity for Police and Fire operations pursuant to O.C.G.A. §36-33-1 &3.

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X Dept Report X Other X
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,



INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Manager: Concur/date 12/21/09
Committee Action: Council Action

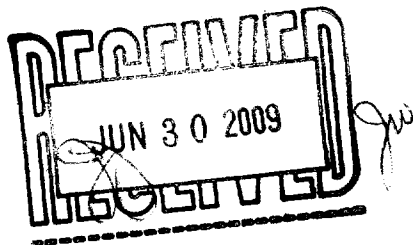
Robert.
TD

TERRY D. JACKSON, P.C.

ATTORNEYS AT LAW
600 EDGEWOOD AVENUE
ATLANTA, GEORGIA 30312

TEL. (404) 659-2400

FAX. (404) 659-2414



ENTERED - 7-10-09 - SB
09L0483 - G. BURNS

JUN 29 2009

(mo)

June 24, 2009

BURNS
07/07/09

Via Certified Return Receipt Mail No. 7006 0100 0006 3830 9089 & 1st Class Mail

Shirley Franklin, Mayor
Office of the Mayor
City of Atlanta
55 Trinity Avenue
Atlanta, Georgia 30303

Via Certified Return Receipt Mail No. 7007 3020 0001 3151 6415 & 1st Class Mail

Lisa Borders, Council President
City of Atlanta
55 Trinity Avenue
Atlanta, Georgia 30303

Re: My Clients: Mr. & Mrs. Wilford Reed
Date of Incident: January 24, 2009
Address: 342 Atlanta Avenue, Atlanta, GA
Incident Report Nos.: Fire & Police 090241986 & 090241994

Dear Mayor Franklin and Ms. Borders:

My name is Terry Jackson, and I represent Mr. Wilford Reed and his wife, Mrs. Ernestine Reed, relating to the above incident. The purpose of this letter is to provide an ante litem notice to the City of Atlanta as pursuant to O.C.G.A. § 36-33-5.

As you are aware, on January 24, 2009 the Reeds had the misfortune of watching their home of more than forty years burn to the ground, despite repeated calls by themselves, neighbors, and others to the Atlanta 911 Emergency Operations Center requesting that a firefighting team be dispatched to their residence. Exhibit 1. The Reeds are devastated by the loss of their home and are in the process of rebuilding, but they lost all their worldly possessions; photographs, heirlooms, personal clothing, etc., you name it.

The public and private statements of firefighters and 911 Center personnel make it very clear that the calls, plural, from the Reeds' residence to the 911 center were received within

minutes of the fire starting, and had a firefighting team been properly, promptly dispatched from the fire station that was less than a mile from the residence, this unfortunate tragedy would have never occurred. Mr. and Mrs. Reed both called the 911 center, and both were placed on hold while their home was burning. The Reeds' residence burned for approximately thirty minutes, including after the police arrived at the scene and watched it burn for more than six minutes, before the firefighters less than a mile away finally made their way to the Reeds' residence, more than 30 minutes after the initial call. Neighbors called and identified the home burning at the right street intersection, neighbors called and identified the right street address too, but the firefighting team still did not arrive until it was too late.

In subsequent articles about this incident, see Exhibit 1, the 911 Center chief admits that errors were made, that the Reeds and other persons were placed on hold, that the fire department did indeed receive the calls to be dispatched to the correct residence, and the errors, alleged computer malfunctions, outright misrepresentations to the media regarding when and who received the calls, and the placing of emergency calls on hold while the Reeds' home burned to the ground.

Mr. and Mrs. Reed are wonderful people, both have worked in the City of Atlanta and have lived at the same residence for more than forty years, and to say that they are crippled and paralyzed by this tragedy, is an understatement. Imagine losing every childhood photograph, memento, gifts from your mother and father, family furniture, and every stitch of clothing that you own in a fire that burned your home to the ground, and that this loss occurred because of miscommunications and failures at the 911 center, and because of firefighters who cannot find their way from their station to a residence less than a mile away.

The purpose of this letter is to put the City of Atlanta on notice that the Reeds intend to file claims against the City and its employees under 42 U.S.C. § 1983 for the deliberate indifference shown to the Reeds in allowing their home to burn to the ground.

Under state law, the Reeds are bringing claims against the City and its employees for the intentional and negligent failures to accept their calls at the 911 center, negligently failing to train and follow established 911 protocols and procedures in place at the time of this incident, negligence of fire personnel in responding to the scene, and the resultant property damages and personal injury claims arising out of this incident. See Exhibits 1 and 2. After reading the attached articles, I would hope the council agrees there is not much to dispute in law that this was a colossal screw-up and failure by the 911 center and the City fire department, culminating in the Reeds' home, personal possessions, etc. being destroyed. The 911 Center supervisors were negligent in training its personnel, and its employees were negligent in failing to follow clearly established policies, procedures, and protocols for the handling of calls. When a City resident calls and tells a 911 operator his/her home is on fire they should not be placed on hold, nor should an emergency call be placed on hold until the nature of that emergency is discerned.

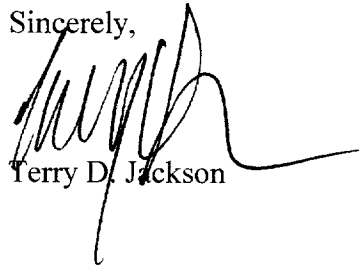
We hope that the Reeds' home will be rebuilt, but the loss of their mementos, photographs, possessions, etc. can never be replaced, and the memory of helplessly watching their home burn to ground, despite repeated calls to the 911 center for the purpose of preventing

such a loss, will remain with them for the rest of their lives.

The Reeds demand the sum of \$500,000.00 for the loss of their personal property in this matter, and the sum of \$750,000.00 for the loss of their personal residence, less the amounts for which they have already been indemnified by insurance. The Reeds will also bring claims for the intentional infliction of emotional distress for the persons whose conduct directly lead to this personal tragedy for the Reeds, to be determined by a jury at trial in its fair and enlightened conscience. The Reeds are in the process of rebuilding their home, but it is doubtful that the insurance proceeds will cover that cost, and the insurance company is likely to sue the City directly or indirectly through the Reeds for claims arising from this incident. This is an unfortunate mess of the City's, the 911 Center's, and the Police/Fire Department's making, not the Reeds'.

I appreciate your kind consideration and I look for a prompt and quick resolution of this matter, so that the Reeds do not have to return to the media and relate that their claims for compensation associated with this loss have again been ignored by the City.

Sincerely,



Terry D. Jackson

:jr

enclosures:

cc: Carla Smith, *Via Certified Return Receipt Mail, 7006 0100 0006 9959*
Kwanza Hall, *Via Certified Return Receipt Mail, 7006 0100 0006 3830 9935*
Ivory L. Young, *Via Certified Return Receipt Mail, 7006 0100 0006 3830 9850*
Cleta Winslow, *Via Certified Return Receipt Mail, 7006 0100 0006 3830 9874*
Natalyn Archibong, *Via Certified Return Receipt Mail, 7006 0100 0006 3830 9881*
Anne Fauver, *Via Certified Return Receipt Mail, 7006 0100 0006 3830 9898*
Howard Shook, *Via Certified Return Receipt Mail, 7006 0100 0006 3830 9904*
Clare Muller, *Via Certified Return Receipt Mail, 7006 0100 0006 3830 9911*
Felicia Moore, *Via Certified Return Receipt Mail, 7006 0100 0006 3830 9928*
Jim Maddox, *Via Certified Return Receipt Mail, 7006 0100 0006 3830 9102*
Joyce Sheperd, *Via Certified Return Receipt Mail, 7006 0100 0006 3830 9119*
Caesar C. Mitchell, *Via Certified Return Receipt Mail, 7006 0100 0006 3830 9126*
Mary Norwood, *Via Certified Return Receipt Mail, 7006 0100 0006 3830 9133*
H. Lamar Willis, *Via Certified Return Receipt Mail, 7006 0100 0006 3830 9140*

RCS# 17
1/19/10
1:54 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

10-R-0145

ADOPT EXCEPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
B Winslow	Y Adrean	Y Sheperd	NV Mitchell